

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BLACK MOUNTAIN EQUITIES, INC.,

Plaintiff, : 11 Civ. 7305 (PAE)

-v-

ORDER

ADVANCED CELL TECHNOLOGY, INC.,

Defendant.

X

PAUL A. ENGELMAYER, District Judge:

On November 9, 2011, the Court held a hearing on plaintiff's motion for a preliminary injunction and for preliminary declarative relief pursuant to Federal Rule of Civil Procedure 65 and 28 U.S.C. § 2201.

The Court has reviewed plaintiff's complaint, plaintiff's memorandum of law in support of its motion for a preliminary injunction and for preliminary declaratory relief dated October 27, 2011, the declaration of Adam Baker dated October 27, 2011 and exhibits annexed thereto, defendant's memorandum of law in opposition to the motion for a preliminary injunction and for preliminary declaratory relief dated November 7, 2011, the declaration of Gary Rabin dated November 7, 2011 and exhibits annexed thereto, and the arguments presented during the November 9, 2011 hearing.

For the reasons stated on the record of the hearing, IT IS HEREBY ORDERED:

1. That plaintiff's motion for a preliminary injunction and for preliminary declarative relief is GRANTED;

2. That defendant Advanced Cell Technology, Inc. ("ACTI") shall deliver immediately eighteen million (18,000,000) shares of its common stock to Plaintiff Black Mountain Equities, Inc. ("BME");
3. That BME shall place all proceeds from the sale of ACTI stock into an interest-earning client escrow account held by its counsel, Olshan Grundman Frome Rosenzweig & Wolosky LLP, pending further order of this Court or agreement between the parties;
4. That BME shall provide ACTI on a weekly basis with trade confirmation documents showing the proceeds collected from any such sales; and
5. That BME shall not be required to post a bond.

SO ORDERED.



Paul A. Engelmayer
United States District Judge

Dated: November 10, 2011
New York, New York